

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
FOR THE FOURTH CIRCUIT  
Richmond, VA (09/18/2012 - 09/21/2012 Session)

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11-0008	<a href="#">Briefs</a>	HABEAS CORPUS. Multiple issues arising out of state capital murder conviction and sentencing
Alden Harden v. Kenneth Lassiter ( Cogburn )		

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11-2181	<a href="#">Briefs</a>	ERISA: Whether claims are barred by the statute of limitations; whether plaintiffs lacked standing; other issues.
Elena David v. J. Alphin ( Cogburn )		

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11-1821	<a href="#">Briefs</a>	FORFEITURE:Whether the time limit for filing a complaint for forfeiture in 18 U.S.C. section 983(a)(3)(A) (2006) is jurisdictional.
US v. Donald Wilson ( Chambers )		

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11-1441	<a href="#">Briefs</a>	IMMIGRATION: Whether substantial evidence supports the denial of Djondo's applications for asylum and withholding of removal.
Akouavidovi Djondo v. Eric Holder, Jr.		

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PANEL I  
Red Courtroom (Room 412)  
9:30 a.m.

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11-6540	<a href="#">Briefs</a>	HABEAS: Whether appellant was prejudiced by attorney's failure to object to admission of good character evidence of murder victim and whether claim is exhausted.
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11-1405	<a href="#">Briefs</a>	CONSTITUTIONAL LAW: Did district court err in holding that S.C. Code section 12-21-2710 does not deprive appellants of equal protection or due process and is not unconstitutionally vague.
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11-1893	<a href="#">Briefs</a>	IMMIGRATION: Whether substantial evidence supports the Agency's ruling that Tallam failed to establish a well-founded fear of future persecution.
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11-1436	<a href="#">Briefs</a>	CIVIL RIGHTS: Whether defendants are entitled to qualified immunity; other issues.
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David Evans v. Patrick Baker ( Beaty )		

Associations: 11-1438, 11-1458, 11-1460, 11-1453, 11-1465

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Green Courtroom (Room 201)  
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11-1645	<a href="#">Briefs</a>	SOCIAL SECURITY: Whether the ALJ erred in declining to consider medical records generated after the claimant's last insured date; other issues. (15 mins. per side)
Earl Matthew Bird v. Commissioner of Soc Sec ( Currie )		

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11-0254	<a href="#">Briefs</a>	CLASS ACTION FAIRNESS ACT: Whether district court properly applied CAFA's diversity and numerosity requirements.
AU Optronics Corporation v. State of South ( Anderson )		

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11-0255	<a href="#">Briefs</a>	CLASS ACTION FAIRNESS ACT: Whether district court properly applied CAFA's diversity and numerosity requirements.
LG Display Company, Limited v. State of South ( Anderson )		

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11-1841	<a href="#">Briefs</a>	CIVIL: Standing to challenge constitutionality of change in Virginia sex offender registration statute; other issues.
Jane Doe v. Virginia Dept of State Police ( Gibney )		

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PANEL III  
Tan Courtroom (Room 223)  
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11-6945	<a href="#">Briefs</a>	PRISON LITIGATION REFORM ACT: Whether Blakely has amassed three strikes that would preclude him from proceeding on appeal without prepayment of fees.
James Blakely v. Robert Wards ( Gergel )		
11-1362	<a href="#">Briefs</a>	CIVIL: Propriety of grant of summary judgment in action for breach of contract, tortious interference with contract, defamation, statutory conspiracy.
Association for Supervision v. ICERD ( Lee )		
11-2019	<a href="#">Briefs</a>	BANKING LAW: Whether trustee of bank holding company's bankruptcy estate has standing to sue the holding company's officers and directors; other issues.
Beach First National Bancshare v. Michael ( Norton )		
11-2363	<a href="#">Briefs</a>	MEDICAID LAW: Whether state was properly enjoined from implementing revised eligibility requirements for certain in-home "personal care services;" class certification and other issues.
Henry Pashby v. Albert Delia ( Boyle )		

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Tweed Courtroom (Room 414-D)  
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11-4284 [Briefs](#)

US v. Santos Fernandez

( Conrad )

CRIMINAL LAW: Codefendants' challenges to convictions and sentences.

Associations: 11-4300, 11-4319, 11-4320, 11-4418, 11-4458

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11-2050 [Briefs](#)

Lokesh Vuyyuru v. Gopinath Jadhav

( Spencer )

CIVIL: Whether claims precluded by prior administrative and judicial proceedings; whether defendants qualified for absolute immunity; whether sanctions and pre-filing injunction were abuse of discretion; other issues.

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11-1781 [Briefs](#)

First Tennessee Bank National v. St. Paul Fire

( Hudson )

CIVIL: Whether insurance policy exclusion applies to conduct alleged in third party tort action such that coverage was properly denied.

Associations: 11-1782

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11-4516 [Briefs](#)

US v. Samuel Horton, II

( Herlong )

SENTENCING GUIDELINES: Whether substantial upward variance from guidelines range was reasonable.  
(15 mins. per side)

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Gold Courtroom (Room 348)  
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11-1564	<a href="#">Briefs</a>	FAIR CREDIT REPORTING ACT: Whether the district court erred in certifying the class.
Donna Soutter v. Equifax Information Services ( Payne )		
11-1271	<a href="#">Briefs</a>	CIVIL: Whether district court erred in dismissing ECOA discrimination complaint under Rule 12(b)(6) for failing to allege specific facts establishing fourth element of prima facie case.
Eddie Wise v. Tom Vilsack ( Boyle )		
10-1829	<a href="#">Briefs</a>	FEDERAL PROCEDURE: Whether certain appellants properly opted out of class settlement; whether district court abused its discretion in awarding sanctions; other issues.
Darryl McKenzie v. Norfolk Southern Railway		
Associations: 11-1365		
11-1723	<a href="#">Briefs</a>	CIVIL: Whether summary judgment in EMTALA action was proper; did hospital deviate from written policies; lack of Spanish interpreter.
Sandra Jimenez v. Frederick Memorial ( Garbis )		

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Red Courtroom (Room 412)  
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11-4746	<a href="#">Briefs</a>	SENTENCING GUIDELINES: Whether offender within-Guidelines sentence was procedurally or substantively unreasonable; if so, whether any error was harmless. (15 mins. per side)
US v. Lambert Sweat ( Duffy )		
12-0001	<a href="#">Briefs</a>	HABEAS CORPUS. Multiple issues arising out of state capital murder conviction and sentencing.
Randy Atkins v. Kenneth Lassiter ( Reidinger )		
11-2206	<a href="#">Briefs</a>	COPYRIGHT LAW: Whether home design entitled to copyright protection under the Architectural Works Copyright Act.
Charles W. Ross Builder, Inc v. Olsen Fine ( Doumar )		
11-4687	<a href="#">Briefs</a>	CRIMINAL LAW: Whether the government obtained pen registers or recordings of telephone conversations in violation of the law; sentencing and other issues.
US v. Nikolaos Mamalis ( Legg )		

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Green Courtroom (Room 201)  
9:30 a.m.

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11-2012	<a href="#">Briefs</a>	CPIA: Whether import restrictions on coins were properly imposed under the Convention on Cultural Property Implementation Act; scope of judicial review; other issues.
Ancient Coin Collectors Guild v. U.S. Customs ( Blake )		
11-1804	<a href="#">Briefs</a>	TAX LAW: Whether criminal conviction for tax evasion collaterally estops denial of liability for civil fraud penalties; other issues.
Joseph B. Williams, III v. Commissioner, IRS		
11-4401	<a href="#">Briefs</a>	SENTENCING: Whether the district court erred in considering defendant's need for treatment in determining length of supervised release revocation sentence, in light of <i>Tapia v. United States</i> , 131 S. Ct. 2382 (2011).
US v. James Bennett, Jr. ( Dever )		
11-2319	<a href="#">Briefs</a>	COMMERCIAL LITIGATION: Whether district court properly dismissed Unfair and Deceptive Trade Practices action against manufacturer of exterior window trim.
Bianca Ellis v. Louisiana-Pacific Corporation ( Mullen )		

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Tan Courtroom (Room 223)  
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10-2258	<a href="#">Briefs</a>	CIVIL: Whether the district court abused its discretion in awarding attorney's fees under the Fair Debt Collection Practices Act.
Danielle Randle v. H&P Capital, Incorporated ( Payne )		
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11-1635	<a href="#">Briefs</a>	CIVIL: Whether term "conversion" in loss payable clause includes intentional destruction of property by insured, barring recovery by third-party lienholder.
Wells Fargo Equipment Finance v. State Farm ( O'Grady )		
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11-1689	<a href="#">Briefs</a>	IMMIGRATION: Whether substantial evidence supports the agency's finding that alien is ineligible for relief from removal.
Adriano de Almeida Viegas v. Eric Holder, Jr.		
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11-1848	<a href="#">Briefs</a>	INSURANCE: Numerous assertions of error in district court's interpretation of commercial general liability insurance policy in declaratory judgment action.
Auto-Owners Insurance Company v. Madison ( Seymour )		

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11-4684	<a href="#">Briefs</a>	CRIMINAL LAW: Challenge to conviction and sentence for signing and filing false income tax returns and for tax evasion.
US v. Samuel Moore, III ( Payne )		

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11-4676	<a href="#">Briefs</a>	CRIMINAL: Whether inmate in possession of a cellular telephone had fair and sufficient notice that he was subject to federal criminal prosecution.
US v. Johnny Beason ( Keeley )		

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11-1988	<a href="#">Briefs</a>	CIVIL: Whether damages awarded for lost profits under Maryland law were supported by sufficient evidence; whether plaintiff failed to mitigate damages; whether jury awards were duplicative.
Edward Primoff v. Kennard Warfield, Jr. ( Nickerson )		

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10-4995	<a href="#">Briefs</a>	CRIMINAL: Whether the motion to suppress was properly denied; propriety of admission of defendant's conduct upon arrest; validity of attorney's fee reimbursement order.
US v. Charles Hall ( Reidinger )		

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Gold Courtroom (Room 348)  
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11-1444	<a href="#">Briefs</a>	INSURANCE/CONTRACT: Whether the district court properly granted summary judgment to defendant on plaintiff's claim for declaratory relief.
Standard Pacific of the Caroli v. Amerisure ( Anderson )		
11-1480	<a href="#">Briefs</a>	CONSTITUTIONAL LAW: Did the district court err in holding that town sign ordinance violated plaintiff's First Amendment rights; other issues.
Dawn Brown v. Town of Cary ( Flanagan )		
11-1817	<a href="#">Briefs</a>	MEDICARE: Challenge to per diem civil monetary penalty based upon allocation of the burden of proof and the finding regarding the duration of noncompliance.
Universal Healthcare/King v. Kathleen		
11-1412	<a href="#">Briefs</a>	NATIONAL TRAILS SYSTEM ACT: Whether the Board acted in an arbitrary manner or exceeded its authority in disapproving "statements of willingness to assume financial responsibility."
Maryland Transit v. Surface Transportation		

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PANEL VI  
Blue Courtroom (Room 339)  
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11-1313	<a href="#">Briefs</a>	EMPLOYMENT DISCRIMINATION: Various issues arising in connection to demotion and subsequent termination.
Anthony Harris v. The Homes Sales Company ( Bennett )		
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11-4689	<a href="#">Briefs</a>	FOURTH AMENDMENT: Whether Terry stop was supported by a reasonable and articulable suspicion that Bumpers was engaged in criminal activity.
US v. Irvin Bumpers ( Friedman )		
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11-4770	<a href="#">Briefs</a>	CRIMINAL: Whether North Carolina Indecent Liberties with Minor conviction is aggravated felony under 18 U.S.C. section 1326 and/or crime of violence under USSG section 2L1.2(b)(1)(A)(ii).
US v. Roberto Radilla-Aguilar ( Flanagan )		
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11-4855	<a href="#">Briefs</a>	CRIMINAL LAW: Whether evidence of fraudulent credit card purchases is sufficient to prove a scheme to defraud a financial institution.
US v. Sherry Taylor ( Lee )		

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12-6832	<a href="#">Briefs</a>	CIVIL COMMITMENT: Government appeal from order of release entered after district court determined that appellee did not meet criteria for civil commitment under Adam Walsh Act.
US v. Patrick Caporale ( Boyle )		
11-4791	<a href="#">Briefs</a>	CRIMINAL LAW: Challenges to evidentiary rulings; other issues.
US v. Martin Teran ( Anderson )		
Associations: 11-4844		
11-2004	<a href="#">Briefs</a>	LABOR LAW: Challenge to NLRB decision based upon allegations of union election misconduct; other issues.
Ashland Facility Operations v. NLRB		
Associations: 11-2132		
11-1786	<a href="#">Briefs</a>	CIVIL PROCEDURE: Whether district court properly denied leave to amend complaint and extend discovery deadlines; other issues.
John Wooton v. CL, LLC ( Flanagan )		

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11-4371	<a href="#">Briefs</a>	CRIMINAL: Whether the district court erred in denying Watson's motion to suppress statements allegedly obtained in violation of the Fourth Amendment.
US v. Prentiss Watson ( Bennett )		
11-5150	<a href="#">Briefs</a>	CRIMINAL LAW: Whether district court erroneously dismissed indictment.
US v. Reginald Cozart ( Boyle )		
11-7455	<a href="#">Briefs</a>	CIVIL RIGHTS: Whether police officials were entitled to qualified immunity in 42 U.S.C. section 1983 suit alleging excessive force during arrest.
Daphne Redding v. D. Boulware ( Floyd )		
11-2062	<a href="#">Briefs</a>	ANTITRUST: Whether district court erred in granting motion to dismiss claims of restraint of trade, attempted and actual monopolization, and breach of contract pursuant to Fed. R. Civ. P. 12(b)(6), and in denying reconsideration.
Loren Data Corporation v. GXS Incorporated ( Chasanow )		

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Tan Courtroom (Room 223)  
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11-1750	<a href="#">Briefs</a>	ERISA: Whether district court erred in failing to remand state law claims; other issues.
Judy Moon v. BWX Technologies, Incorporated ( Moon )		
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11-1802	<a href="#">Briefs</a>	ADMINISTRATIVE LAW: Challenge to revenue ruling governing conduct of federal firearms licensees while at gun shows.
Hire Order Ltd v. Edgar Domenech ( Hilton )		
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11-1900	<a href="#">Briefs</a>	ADMIRALTY: Challenge to district court's order vacating maritime attachment obtained to enforce foreign judgment against alter-ego defendants.
Vitol, S.A. v. Capri Marine LTD ( Garbis )		
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11-1859	<a href="#">Briefs</a>	FEDERAL PROCEDURE: Did the district court err in issuing the nunc pro tunc amended order and judgment.
Rose Glynne v. WilMed Healthcare ( Howard )		

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PANEL IV  
Tweed Courtroom (Room 414-D)  
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11-1547	<a href="#">Briefs</a>	CIVIL: Propriety of removal from state court; whether claims are precluded by the Securities Litigation Uniform Standards Act; other issues.
Robert Brockway v. Evergreen International ( Motz )		
10-2040	<a href="#">Briefs</a>	CIVIL: Whether the district court properly concluded that Plaintiffs' civil action was barred by the applicable statute of limitations.
Franklin Brown v. Neuberger, Quinn, Gielen, ( Blake )		
11-1611	<a href="#">Briefs</a>	SOCIAL SECURITY: Whether substantial evidence supports the decision that appellant is not disabled despite suffering from fibromyalgia and other maladies. (15 mins. per side)
Phyllis Parsons v. Michael Astrue ( Stanley )		
11-1597	<a href="#">Briefs</a>	CIVIL: Whether district court erred in finding that Federal Arbitration Act did not apply; whether appellant waived the right to compel arbitration.
Antonia Rota-McLarty v. Santander Consumer ( Quarles )		

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Gold Courtroom (Room 348)  
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11-1845	<a href="#">Briefs</a>	IMMIGRATION: Whether the agency erred in finding that Petitioner was statutorily ineligible for a waiver of inadmissibility under 8 U.S.C. section 1182(h) (2006).
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11-4266	<a href="#">Briefs</a>	CRIMINAL: Exercise of extra-territorial jurisdiction over foreign national defendant employed at U.S. Embassy in Iraq in theft of government property prosecution; admission of defendant's statements; sufficiency of evidence.
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11-1699	<a href="#">Briefs</a>	IMMIGRATION: Whether substantial evidence supports the agency's adverse credibility determination.
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11-1590	<a href="#">Briefs</a>	EMPLOYMENT LAW: Various issues arising in connection with demotion from position as deputy superintendent to director of food service.
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PANEL VI  
Blue Courtroom (Room 339)  
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11-2064	<a href="#">Briefs</a>	IMMIGRATION: Whether substantial evidence supports the agency's finding that the petitioner failed to demonstrate a well-founded fear of future persecution based on her membership in a particular social group.
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11-1609	<a href="#">Briefs</a>	IMMIGRATION: Whether account of how Petitioner was released from detention was implausible and supported the adverse credibility finding.
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11-4336	<a href="#">Briefs</a>	CRIMINAL: Whether the evidence was sufficient to prove a violation of 36 C.F.R. section 4.23(a)(2); whether the district court abused its discretion by denying defendant's requested jury instruction; other issues.
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11-1584	<a href="#">Briefs</a>	EMPLOYMENT LAW: Whether employer's code of conduct and other policies created an employment contract; other issues.

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11-4712	<a href="#">Briefs</a>	CRIMINAL: Whether district court abused its discretion in permitting police detective to testify in drug conspiracy trial as expert witness about coded language used in intercepted calls.
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11-4966	<a href="#">Briefs</a>	SUPERVISED RELEASE REVOCATION: Whether uncharged simple possession of cocaine after prior controlled substance conviction is a federal offense punishable by more than a year in prison for purposes of USSG section 7B.1 (a) (2).
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12-4199	<a href="#">Briefs</a>	CRIMINAL LAW: Whether the district court erred in denying motions to suppress, for judgment of acquittal and for a new trial.
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11-4805	<a href="#">Briefs</a>	SENTENCING: Whether appellant's completion of term of imprisonment and subsequent deportation renders appeal of Guidelines calculation moot; whether district court erred in imposing enhancement for aggravated felony conviction.
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10-4701	<a href="#">Briefs</a>	CRIMINAL: Numerous issues arising from multi-defendant trial and convictions on drug, firearm, and money laundering charges.
US v. Anthony Sellers ( Seymour )		
Associations: 10-4702, 10-4917		

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10-7576	<a href="#">Briefs</a>	FIRST AMENDMENT/RLUIPA: Whether denial of outdoor worship circle and requested sacred items substantially burdened plaintiff's practice of Asatru; whether officials employed least restrictive means of furthering legitimate government interest.
Johan Krieger v. Betty Brown ( Flanagan )		

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11-4742	<a href="#">Briefs</a>	MISTRIAL: Whether the mistrial was manifestly necessary.
US v. Rashad Muhammad ( Duffy )		

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11-4910	<a href="#">Briefs</a>	CRIMINAL: Issues challenging convictions on various counts; forfeiture and restitution issues.
US v. Youssef Abdelbary ( Wilson )		
Associations: 11-5000		

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10-4033	<a href="#">Briefs</a>	CRIMINAL: Sufficiency of the evidence to sustain convictions; other issues.
US v. Saul Cavillo-Rojas ( Flanagan )		
Associations: 10-4061, 10-4062, 10-4067, 10-4072		

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11-4621	<a href="#">Briefs</a>	CRIMINAL: Whether defendant's prior child abuse conviction under Maryland law qualified as crime of violence under federal sentencing guidelines.
US v. Hans Cabrera-Umanzor ( Messitte )		

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11-4963	<a href="#">Briefs</a>	CRIMINAL CONTEMPT: Whether statement made in courtroom following dismissal of action was contempt of court; propriety of summary contempt conviction; other issues.
US v. Robert Peoples ( Conrad )		
Associations: 11-4965		

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11-5063	<a href="#">Briefs</a>	SECOND AMENDMENT: Whether 18 U.S.C. 922(g)(5), which prohibits possession of firearms by illegal aliens, violates the Second Amendment or the Due Process Clause of the Fifth Amendment.
US v. Nicolas Carpio-Leon ( Seymour )		

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Tweed Courtroom (Room 414-D)  
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